

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Hans George Alexander

Write the full name of each plaintiff.

CV  
(Include case number if one has been assigned)

-against-

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

Demetrio Jimenez & 10

UNKNOWN P.O. OFFICERS

from The ForTheeth Pet

40th pet, City of New York

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. BASIS FOR JURISDICTION**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

**A. If you checked Federal Question**

Which of your federal constitutional or federal statutory rights have been violated?

1983 Deprivation of my Rights  
Under The color of law

**B. If you checked Diversity of Citizenship****1. Citizenship of the parties**

Of what State is each party a citizen?

The plaintiff, Hans George Alexander, is a citizen of the State of  
(Plaintiff's name)

New York State  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Demetrio Jimenez, is a citizen of the State of  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

new York

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>HANS</u>	<u>G</u>	<u>Alexander</u>
First Name	Middle Initial	Last Name
<u>712 UNION</u>	<u>Ave</u>	<u># 1</u>
Street Address		
<u>Bronx</u>	<u>NY</u>	<u>10455</u>
County, City	State	Zip Code
<u>(646) 721-3643</u>	<u>hansalexander116@gmail.com</u>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

city of new York  
 First Name Last Name

Current Job Title (or other identifying information)

100 Church Street

Current Work Address (or other address where defendant may be served)

New York, NY. 10007

County, City

State

Zip Code

Defendant 2:

Demetrio Jimenez  
 First Name Last Name

Current Job Title (or other identifying information)

712 Union Ave #3

Current Work Address (or other address where defendant may be served)

Bronx NY. 10455

County, City

State

Zip Code

Defendant 3:

10 UNKNOWN P.O.  
 First Name Last Name

Current Job Title (or other identifying information)

40th pct

Current Work Address (or other address where defendant may be served)

Bronx NY. 10457

County, City

State

Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

**III. STATEMENT OF CLAIM**

Place(s) of occurrence:

712 UNION AVE

Date(s) of occurrence:

7-28-18

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

The landlord gave me 400<sup>00</sup> dollars to move and when the deal fell through he refused to let me back into my room. I told him that a landlord cannot lock a tenant out only a marshal or sheriff can, he still refused so I called the police and showed the law, one of them said he is not helping me because I am suing other cops and the landlord slandered me by saying I broke his windows, which I did not and he has camera around his house inside a cot that record his

whole Building Building, I  
 went to court got my room back  
 because my lease is still good.  
 one of the officers was a female  
 supervisor and I showed her the law  
 that includes the patrolman's Guide  
 section # 214-12 and she still refused  
 but she did advise the landlord  
 not to touch none of my belonging  
 and told him to stop telling lies on me  
 INJURIES: copy included.

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I had to sleep outside in the  
 rain and 100 degree heat for 3  
 days & night, Defamation of character  
 Slander, Humiliation & The Deprivation  
 of my rights under the color of law

#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Ten million (\$10,000,000.00) dollars

**V. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

9-10-18

Dated

Hans A.

First Name

712 UNION

Middle Initial

AOE

Plaintiff's Signature

Alexander

Last Name

Street Address

Bronx

NY

State

10455

Zip Code

County, City

(646) 721-3643

Telephone Number

hansalexander116@gmail.com

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



United States District Court  
Southern District of New York

## Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

### IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175



### CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

**Civil case(s) filed in the Southern District of New York:**

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

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Address	City	State	Zip Code
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Telephone Number	E-mail Address
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Date	Signature
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**Return completed form to:**

Pro Se Intake Unit (Room 200)  
500 Pearl Street  
New York, NY 10007

## Sample Marshal's Notice

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF

BRONX

My Landlord LLC

Sally Tenant  
123 Any Street  
New York, NY 10001

against

Petitioner  
Landlord

Respondent  
Tenant

Respondent  
Undertenant

Name of Tenant and/or undertenant being fictitious and unknown, person intended,  
occupying apartment set forth below.

!! IMPORTANT !!

PLEASE BE ADVISED THAT YOUR  
EVICITION MAY BE SCHEDULED ON

Docket # 0001111/2006

### NOTICE OF EVICTION

Alternative Service / Mailing

### NOTIFICACION DE DESAHUCIO

Notificación Alternativa / Postal

To the above named tenants and undertenants:

A los susodichos inquilinos y sub-inquilinos:

Please take notice that the Court has issued a warrant for your eviction. If you fail to vacate the described premises, **YOU MAY BE EVICTED, WITHOUT FURTHER NOTICE, ON THE SIXTH BUSINESS DAY AFTER THE DATE OF THIS NOTICE** or on any business day thereafter. "Business days" are Monday through Friday except legal holidays.

Tenga a bien notar que la Corte ha emitido una orden de desahucio en contra de usted. Si no desaloja al local descrito, **USTED PUEDE SER DESHAUCIADO, SIN NOTIFICACION ADICIONAL, EL SEXTO DIA HABIL A PARTIR DE LA FECHA DE ESTA NOTIFICACION** o en cualquier día hábil de ahí en adelante. Los "días hábiles" son Lunes a Viernes, excepto los días de fiesta legales.

The **ONLY** way you can stop this eviction is if a Court issues an order to show cause that stays your eviction. You may apply for such an order at the Civil Court, Landlord - Tenant part, in your borough.

Usted puede detener este desahucio **SOLAMENTE** si una Corte emite una orden judicial instruyéndole a usted a mostrar motivos justificantes para suspender su desalojo. Usted puede solicitar esa orden (Order to Show Cause) en la Corte Civil, Sección del Propietario - Inquilino (Civil Court, Landlord - Tenant part) en su condado.

If a Court stay of your eviction is in effect, you will be evicted only if the stay ends or is vacated by the Court. If the Court has already ordered that you may be evicted if you fail to make a payment or comply with the Court's order by a certain date, your failure to pay or comply with the Court's order by that date may result in your eviction without further notice.

Si una suspensión de su desahucio por orden de la Corte está en efecto, usted será desalojado solo si la suspensión caduca o la Corte la anula. Si la Corte ha ordenado ya que usted puede ser desalojado si no cumple con hacer un pago o con la orden de la Corte a partir de una fecha de vencimiento, su incumplimiento con el pago o con la orden de la Corte al llegar esa fecha puede resultar en su desahucio sin notificación adicional.

If you are dependent upon a person in the military service of the United States, advise the clerk of the Court immediately in order to protect your rights.

Si usted depende de una persona que pertenece al Servicio Militar de los Estados Unidos, notifíquesele inmediatamente al Secretario de la Corte (Court Clerk) para así proteger sus derechos legales.

If you need legal assistance, the Legal Aid Society may be able to assist you (check telephone listing in your borough). A senior citizen who needs legal assistance may contact the New York City Department for the Aging, 2 Lafayette Street, New York, New York 10007, (212) 442-1000.

Si usted necesita ayuda legal, la Legal Aid Society tal vez puede ayudarlo (consulte la guía telefónica de su condado). Una persona de edad avanzada que necesita ayuda legal puede comunicarse con el Departamento para Personas Mayores de la Ciudad de Nueva York, 2 Lafayette Street, New York, New York 10007, (212) 442-1000.

If you receive public assistance, notify your caseworker immediately. The Human Resources Administration may be able to help you with back payments whether or not you receive public assistance. Call (718) 291-1900 for information.

Si usted recibe asistencia pública, notifíquelo a su trabajador social (caseworker) inmediatamente. La Administración de Recursos Humanos tal vez puede ayudarlo con los pagos atrasados, reciba usted o no asistencia pública. Llame al (718) 291-1900 para información.

NEW HRA # 877-472-8411  
DATE OF NOTICE<sup>2</sup> FECHADA

08/02/2006

<sup>1</sup>Formerly known as "72-hour notice." Additional time has been allowed for mailing.

Anteriormente conocido como "Aviso de Desahucio de 72 Horas." Se ha concedido tiempo adicional para enviar por correo.

<sup>2</sup>The date of this notice shall be on or after the date the notice is mailed to the respondent.

La fecha de este notificación se fijará el día en que se le envía al apelado o después de ese día.

NUEVO HRA # 877-472-8411

## Housing Court Locations

### **Bronx**

1118 Grand Concourse  
Bronx, NY 10451

718-466-3025

### **Bronx NYCHA**

851 Grand Concourse  
Bronx, NY 10451

718-618-3566

### **Brooklyn**

141 Livingston Street  
Brooklyn, NY 11201

347-404-9201

### **Harlem Community Justice Center**

170 East 121 Street  
New York, NY 10035

212-360-4113

### **Manhattan**

111 Centre Street  
New York, NY 10013

646-386-5500

### **Queens**

89-17 Sutphin Boulevard  
Jamaica, NY 11435

718-262-7145

### **Red Hook Community Justice Center**

88-94 Visitation Place  
Brooklyn, NY 11231

718-923-8200

### **Staten Island**

927 Castleton Avenue  
Staten Island, NY 10310

718-675-8452

# Hotline for Housing Help

## **We can answer questions about:**

housing court  
eviction  
tenants' rights  
NYCHA  
getting repairs

## **We can screen you for referral to:**

charity assistance  
legal clinics  
FEPS providers  
HomeBase and HRA

**call us**  
**212-962-4795**

Tuesday, Wednesday and Thursday  
9am to 5pm

**housingcourtanswers.org**

Housing Court Answers does not provide rental assistance,  
but provides referrals.

**This information sheet was prepared by Housing Court Answers.**

**This information is not to be considered legal advice.**

**If possible, consult a lawyer.**

**HOUSING COURT ANSWERS**



*Fighting for Justice*

# Eviction Notices

## for tenants

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### Who can evict me from my apartment?

Only a marshal or sheriff can remove you. It is illegal for your landlord to lock you out. The marshal must serve you a notice before the eviction. He or she will have a badge.

A landlord must have a judgment from the court and contact the marshal to proceed with an eviction.

### When can the marshal evict me?

You should receive a **marshal's notice of eviction**, sometimes called a **6 day notice**. It will include your court index number, the marshal's name, address, and phone number and the date that the notice was served on you.

The notice can be served by the marshal or a process server. It should be given to you by hand. If it is not delivered by hand, then it should be taped to or slid under your door and also mailed to you by certified and regular mail.

If you were served the notice by hand, you have 4 business days before the marshal can evict you. If the notice was taped or put under your door but not handed to you, you have 6 business days before the marshal can evict you.

Marshals set their schedules every day at 3pm for the next day, so you can call the marshal who served your notice to find out if you are scheduled.

### How can I stop an eviction?

Go to court to file an **order to show cause**. You will fill out a form asking the judge to reopen the case. If the judge signs the OSC, you will get a new hearing. To stop the eviction, serve a copy of the OSC on the marshal and

the landlord. If you do not serve the OSC correctly, you could be evicted.

### What happens when the marshal comes?

If you refuse to let the marshal in, he or she can use force to enter the apartment. The marshal will do an eviction or a possession. The landlord will tell the marshal which to do.

A **possession** means the marshal will order you to leave the apartment and then change the lock on the door. It will be up to you to get your things out of the apartment. Your landlord can move everything to storage if you do not make arrangements to remove them.

An **eviction** means that the marshal removes all of your things from the apartment and moves them to storage.

### What if the marshal comes and I don't have time to go to court?

Take what you can carry. Don't forget:

- ID
- legal papers
- medicine
- valuables
- personal items

Go to court right away. File a **post-eviction order to show cause**. It can stop the landlord from removing your things or renting the apartment, and give you time and limited access to the apartment.

If the marshal came while you were not home, you can still file an OSC. Ask the judge for access to the apartment to get some belongings.

### **What if someone who lives in my home is sick, disabled or elderly?**

If an adult is sick, disabled, older than 62, or at the end of a pregnancy, or if there is an infant living in the home, get proof or a doctor's note and fax it to the marshal. The marshal is required to refer your case to Adult Protective Services (a city agency). APS may come to evaluate you for services. This can delay eviction by 2 weeks while APS evaluates your family.

### **Can I get back into the apartment after I have been evicted?**

After eviction, there is still a chance that you can get back into the apartment. Go to court right after the eviction and file an order to show cause. The judge may allow you in to get your things. You may be able to move back into the apartment.

Ask the judge to order the landlord to keep the apartment for you and give you a chance to pay what you owe. You may have to pay legal fees or marshal fees.

### **If I stopped the marshal's notice, can they still evict me?**

After you serve the order to show cause on the marshal, he or she cannot evict you until after the next court date.

The judge will decide how much more time you get at the hearing. The judge will say if the marshal will have to re-serve you the eviction notice or if he or she can still evict you with the previous notice. Sometimes, the judge will order the marshal to re-serve you by mail only.

A marshal's notice is effective for 30 days from the date it was served. That means that a marshal can come back and evict you without re-serving the notice if it has been less than 30 days since it was served and

the judge does not require re-service. If it has been more than 30 days since the last marshal's notice was served, the marshal will have to serve you another notice and wait the 4 or 6 business days before evicting you.

### **What is an illegal eviction?**

An illegal eviction is when someone other than the marshal or sheriff locks you out AND you were in the apartment for more than 30 days OR you paid rent OR had a lease. \*

If you have been illegally evicted, you can go to your local police station for help. According to section #214-12 of the Patrolman's Guide, a police officer should help you get back in your apartment. \*

Another option is to go to Housing Court and file an **order to show cause to restore possession**. Tell the clerk you were illegally locked out. You will need to know the landlord's name and address in order to file the papers.

### **What is a constructive eviction?**

A constructive eviction is when the landlord or management cuts off your heat or water or electricity or does something else to stop you from entering or using your apartment. If your landlord does this, call the police. The police should force the landlord to restore your services. You can also file an emergency HP Action against your landlord in Housing Court.